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October 31, 2024

By ECF

The Honorable Cathy Seibel
United States District Judge
United States Courthouse
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Frank Butselaar
22 Cr. 560 (CS)
Limited Bail Request

Dear Judge Seibel:

We write on behalf of our client Frank Butselaar to request that the Court reconsider its denial earlier this week of our bail application.

In light of the Court's focus on the absence in our initial application of information important to the Court, we provide the following additional information which we respectfully suggest warrants releasing Mr. Butselaar on bail during the trial of this case.

When Mr. Butselaar was first presented on October 2, 2023 Pretrial Services recommended his release with the following conditions.

1. Pretrial Services supervision as directed
2. Travel restricted to the Southern and Eastern Districts of New York
3. Surrender passport/make no new applications for travel documents
4. Shall not possess firearms, destructive devices, or other weapons

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5. Mental Health Evaluation and Treatment as directed by Pretrial Services
6. Stand Alone Monitoring enforced by GPS; Defendant permitted to self-install the LM equipment
7. Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner
8. Reside at an address approved by Pretrial Services prior to release.
9. PRB to be cosigned by 2 FRP.

I conferred with Pretrial Services Officer Andrew Abbott yesterday who indicated that Pretrial Services would stand by its recommendation that Mr. Butselaar be released with these conditions. The only reason no prior application for bail had been made is that there was no place domestically to recommend that he be released to other than a homeless shelter and that was impracticable.

In addition to these recommended conditions, Mr. Butselaar would agree to sign a written waiver of extradition. Additionally, he would sign a Personal Recognizance Bond in any amount deemed appropriate by the Court. While we suggest that having the PRB cosigned is not necessary in light of the other conditions being recommended, if necessary we would endeavor to get two financially responsible individuals living abroad to cosign the bond.

With regard to your Honor's query about the practicalities of what we have requested, Mr. Guha and myself would privately undertake the expenses for Mr. Butselaar's lodging at the hotel as well as his meals.

As indicated in our prior letter, I am in possession of Mr. Butselaar's passport and would surrender it to the government. Not only are we confident that Mr. Butselaar has no intention to flee, it is a reality that he would not even have the mechanism to do so.

Thank you for Your Honor's consideration of this request. We are of course available for a bail application hearing, either telephonically or in person, should Your Honor deem it appropriate.

Respectfully submitted,



Kerry A. Lawrence

cc: All Counsel (via ECF)